

VZCZCXRO7335
PP RUEHAG RUEHBI RUEHCI RUEHDBU RUEHLH RUEHNEH RUEHPW RUEHROV RUEHSL
RUEHSR
DE RUEHAH #1000 2191123
ZNY CCCCC ZZH
P 071123Z AUG 09
FM AMEMBASSY ASHGABAT
TO RUEHC/SECSTATE WASHDC PRIORITY 3262
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUCNCIS/CIS COLLECTIVE
RUCNMEM/EU MEMBER STATES COLLECTIVE
RUEHAK/AMEMBASSY ANKARA 5517
RUEHBJ/AMEMBASSY BEIJING 3237
RUEHKO/AMEMBASSY TOKYO 3102
RUEHIT/AMCONSUL ISTANBUL 3760
RHEHNSC/NSC WASHDC
RHMCSUU/CDR USCENTCOM MACDILL AFB FL
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUEKJCS/SECDEF WASHINGTON DC
RUEHVEN/USMISSION USOSCE 3779

C O N F I D E N T I A L ASHGABAT 001000

SIPDIS

DEPT FOR SCA/CEN; DRL/IRF

E.O. 12958: DECL: 08/06/2019

TAGS: [PHUM](#) [KCRM](#) [PGOV](#) [SOCI](#) [TX](#)

SUBJECT: TURKMENISTAN: INTRODUCING BAIL SYSTEM AS
ALTERNATIVE TO PRE-TRIAL DETENTION

REF: ASHGABAT 546

Classified By: Charge Richard Miles, Reasons 1.4 (b) and (d)

11. (C) On August 6, poloff met with the OSCE Ashgabat Center's Human Dimension Officer Begona Pineiro Costas for a readout on a series of recent seminars on human rights standards in the field of criminal justice. The seminars, which took place consecutively in the four outlying provincial capitals and wrapped up in Ashgabat, lasted from July 20 until August 4. Titled "Preventive Measure Alternative to Detention at the Pre-Trial Stage of Criminal Proceedings," the sessions were essentially an introduction for Turkmen officials to the bail system. For the first time, Turkmenistan's new Criminal Procedure Code, adopted in April, allows for a bail system alternative to pre-trial detention (Article 153). According to Costas, a bail procedure has not been implemented and Turkmen officials were not familiar with the concept. Costas did not know how the provision allowing for bail came to be included in the new law. When the law was still in draft form, she had proposed to Mejlis Chairperson Akja Nurberdiyeva that the Mejlis provide a copy to the OSCE for review by its experts. Shortly after Costas' offer, the new law was adopted.

12. (C) Each of the sessions was attended by a total of 25 judges, prosecutors, defense lawyers and investigators. There were two foreign experts who conducted the seminars: Aleksandr Smirnov, a counselor of the Constitutional Court of the Russian Federation; and a law professor from Saint Louis University with extensive experience in advising former Soviet countries that are reforming their criminal procedure codes. Sessions were conducted in Russian without interpretation, which Costas assessed had made a tremendous difference in creating an open and engaging environment for the participants. Smirnov demonstrated extensive preparation, with frequent references during his presentations to specific provisions of the Turkmen criminal procedure code. Day one of the seminar introduced applicable international law and explained the objectives, methods and safeguards of a non-custodial system. The second day presented practical experiences from the United States, Russia and other former Soviet countries and a case study exercise for the participants. Costas mentioned lively

exchanges among the participants, especially on the second day during the exercise.

¶3. (C) The OSCE's government partner for this seminar was the National Institute for Democracy and Human Rights (IDHR). Costas said that IDHR Director Shirin Akhmedova was clearly pleased with the conduct of the seminars. Costas suggested that the ultimate success of the seminars would be measured by the implementation of a bail alternative to pre-trial detention.

¶4. (C) COMMENT: Turkmenistan's adoption of new laws such as the Criminal Procedure Code is only the first step to genuine legal reform (reftel). In order to enable actual implementation, seminars such as this one are a vital step in building awareness and a knowledge base. As was clear with the bail concept, Turkmen judicial officials often lack the background and experience for implementation of new laws. It remains to be seen if a bail system, when eventually implemented, will include sufficient safeguards to prevent official graft. END COMMENT.

MILES